



US Army Corps
of Engineers
St Paul District

Public Notice

ISSUED: Aug 17, 2001
EXPIRES: Sep 24, 2001
SECTION: 10 & 404

REFER TO: NWP2001-MVP-MMW

NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS AND PUBLIC HEARING

NATIONAL INFORMATION.

On August 9, 2001, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the Nationwide Permits (NWP).

The U.S. Army Corps of Engineers Headquarters Office will conduct a public hearing in Washington, D.C., on September 12, 2001, at the GAO Building, 7th floor auditorium. The intent of this hearing is to solicit public comments; both oral and written, on the NWP Program as a whole or on individually proposed NWPs on a national level. The public record for this hearing will conclude at close of business September 22, 2001. This date is separate from the Federal Register notice closing date for the receipt of written comments. For further information on the hearing or the proposed NWPs, please contact Mr. Rich White at (202) 761-4599, or Mr. Sam Collinson, at (202) 761-4594.

NWPs are General Permits issued on a nationwide basis to authorize minor activities with minimal evaluation time. Some activities authorized by NWPs require pre-construction notification to the District Engineer before commencing with the work. This notification requirement to the District Engineer is necessitated to ensure that activities authorized by these NWPs have minimal individual and cumulative adverse impacts on the aquatic environment.

This notice is the public's opportunity to comment on the proposed re-issuance of existing NWPs and conditions. Comments on national issues relating to these NWPs should be sent to the GAO Building, Office of the Chief of Engineers, Regulatory Branch (ATTN: CECW-OR), 441 G Street, N.W., Washington, D.C. 20314-1000. Comments on the proposed new and modified NWPs are due by September 24, 2001.

In addition to the NWP general conditions, Division Engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or State. Regional conditions are an important mechanism to ensure that impacts to the aquatic environment authorized by the NWPs are minimal, both individually and cumulatively. Division Engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., States or watersheds) or high-value aquatic systems where impacts authorized by those NWPs may be more than minimal.

PLEASE NOTE: An error occurred in the publication of the NWPs in the August 9, 2001, Federal Register. Proposed NWP 39 is shown as having a threshold of 1/10 acre, which is incorrect. The correct threshold is 1/2 acre.

SPECIAL INFORMATION FOR MINNESOTA AND WISCONSIN:

In early 2000, after issuing public notices and holding public meetings, the St. Paul District Engineer recommended that the Corps Mississippi Valley Division Engineer exercise authority to suspend all of the Section 404 NWPs in Minnesota and Wisconsin. The Section 404 NWPs were subsequently suspended by the Division Engineer and replaced by the District Engineer with combinations of statewide Section 404 General Permits and Letter-of-Permission review procedures (the GP/LOPs). GP/LOP-98-MN applies in Minnesota and was issued on January 31, 2000. It applies to certain activities that include some activities formerly covered by the Section 404 NWPs. Similarly, GP/LOP-98-WI was issued on April 17, 2000, and applies in Wisconsin. GP/LOP-98-R applies on Indian Reservations in Minnesota and Wisconsin (except the Mole Lake Reservation where no Section 404 NWPs or GP/LOP apply) and was issued on February 28, 2000. The GP/LOPs expire in 2005 unless sooner modified or revoked and may be reviewed on the District's web page at <http://www.mvp.usace.army.mil/regulatory/>.

The District notes that the current NWP proposal involves only changes to some existing NWPs and NWP conditions. The District has reviewed the current NWP proposal and determined that neither its implementation or lack of implementation would substantively affect any basis for the District Engineer's previous decisions and actions in 2000 that resulted in suspension of the Section 404 nationwide permits in Minnesota and Wisconsin and their replacement with GP/LOPs. Therefore, subject to the final approval and action by the Division Engineer, the St. Paul District proposes to maintain the status quo, which is the continued use of the GP/LOPs instead of the proposed Section 404 NWPs in Minnesota and Wisconsin. All

Section 10 provisions of the NWPs remain valid in Minnesota and Wisconsin. The District proposes to continue to use Section 10 NWP provisions as issued or modified by Corps Headquarters, without additional regional conditions.

Questions or comments on District actions may be directed to Michael Weburg, Corps of Engineers, St. Paul District, Army Corps of Engineers Centre, 190 Fifth Street East, St. Paul, MN, 55101-1638; email michael.m.weburg@mvp.usace.army.mil, telephone (651) 290-5367. Comments are due by the expiration date of this public notice. Public notices concerning the NWPs in other regions or States are being published concurrently by other district offices.

GENERAL INFORMATION.

Final decision documents will be prepared when the NWPs are issued or modified. NWP decision documents will be appropriately supplemented by Division Engineers to address their decision concerning any regional conditions or actions concerning the NWPs. These documents will be available for review by contacting Corps offices.

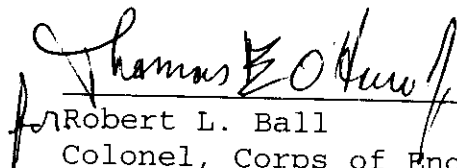
Enclosed is an index of the proposed NWPs and conditions. A full text copy of the NWPs may be obtained through the Corps Home Page or GPO Federal Register address listed below.

Internet addresses:

<http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>.

As an alternate, World Wide Web users can access the Federal Register through the Government Printing Office (GPO) at <http://www.access.gpo.gov/>.

Copies may also be requested by contacting Mr. Weburg at the St. Paul District as noted above.


for Robert L. Ball
Colonel, Corps of Engineers
District Engineer

Index of Nationwide Permits, Conditions, Further Information, and Definitions

Proposed Nationwide Permits

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Maintenance
8. Oil and Gas Structures
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects*
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Oil Spill Cleanup
21. Surface Coal Mining Activities*
22. Removal of Vessels
23. Approved Categorical Exclusions
24. State Administered Section 404 Programs
25. Structural Discharges
26. *RESERVED*
27. Stream and Wetland Restoration Activities*
28. Modifications of Existing Marinas
29. Single-family Housing
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities*
32. Completed Enforcement Actions
33. Temporary Construction, Access and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation*
38. Cleanup of Hazardous and Toxic Waste
39. Residential, Commercial, and Institutional Developments*
40. Agricultural Activities*
41. Reshaping Existing Drainage Ditches

42. Recreational Facilities*
43. Stormwater Management Facilities*
44. Mining Activities

Nationwide Permit General Conditions

1. Navigation
2. Proper Maintenance
3. Soil Erosion and Sediment Controls
4. Aquatic Life Movements*
5. Equipment
6. Regional and Case-by-Case Conditions
7. Wild and Scenic Rivers
8. Tribal Rights
9. Water Quality*
10. Coastal Zone Management
11. Endangered Species
12. Historic Properties
13. Notification*
14. Compliance Certification
15. Use of Multiple Nationwide Permits.
16. Water Supply Intakes
17. Shellfish Beds
18. Suitable Material
19. Mitigation*
20. Spawning Areas
21. Management of Water Flows*
22. Adverse Effects from Impoundments
23. Waterfowl Breeding Areas
24. Removal of Temporary Fills
25. Designated Critical Resource Waters
26. Fills Within 100-year Floodplains*
27. Construction Period *

Definitions

Best Management Practices
Compensatory Mitigation
Creation
Enhancement
Ephemeral Stream
Farm Tract
Flood Fringe
Floodway
Independent Utility
Intermittent Stream
Loss of Waters of the United States
Non-tidal Wetland
Open Water
Perennial Stream

Permanent Above-grade Fill
Preservation
Restoration
Riffle and Pool Complex
Single and Complete Project
Stormwater Management
Stormwater Management Facilities
Stream Bed
Stream Channelization
Tidal Wetland
Vegetated Buffer
Vegetated Shallows
Waterbody

*** Proposed change, simplification or modification to NWP or
General Condition**